THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 16709 of 2005

FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FIVE

Between:

1 Badvatu Badru, S/o.Manya,
R/o.Dhansari Village, Kesamudram Madnal, Warangal district. And others.

..... PETITIONERS

AND

1. The Government of A.P., Rep by its Prl.Secretary, Revenue Department,

Secretariat , Hyderabad. And others

.....RESPONDENTS

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 16709 of 2005

O R D E R:

All the petitioners herein are the residents of Dhansri village in Kesamudram Revenue Mandal, Warangal District having small extent of lands in survey No.235 and all are belonged to Scheduled Tribe Community.

It is submitted that there is a Government land in Sy.No.235, Dhansri village to an extent of Ac.100.00 and more than sixty families are cultivating the same since 40years. While so, on 18-07-2005 and

19-07-2005 the respondents 8 and 9 along with the police force came to the lands of the petitioners and demanded them to vacate the lands. The petitioners requested the respondents 8 and 9 that they are in lawful possession and enjoyment of the same by showing the relevant papers, which were issued by the 4th respondent office under R.O.R.Act. But the 8th respondent without hearing and giving opportunity to the petitioners insisted to vacate the lands within 15 days or else they will be forcibly evicted. The grievance of the petitioners is that the 8th respondent without following due process of law insisting the petitioners to evict from the lands is illegal and arbitrary. Therefore, the petitioners invoking the jurisdiction under Article 226 of the Constitution of India filed the present writ petition.

Heard both sides.

It is the case of the petitioners that though they have shown the relevant papers with regard to the lawful possession of their lands, the 8th respondent without giving notice in this regard tried to dispossess them. On a perusal of the material available on record, nowhere it is seen that the 8th respondent tried to evict the petitioners by following due process of law by way giving notice etc.,

Having considered all the facts and circumstances of the case, and in view of the fact that the 8th respondent did not give any notice to the petitioners, without going into the merits of the case, I am of the considered view that the ends of justice would be met if the 8th respondent is directed not to dispossess the petitioners from their lands without following due process of law.

With the above direction, the writ petition is disposed of. No costs.

_____

29-07-2005

Mjl/*